

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA-10-0226

PARK PLACE APARTMENTS, L.L.C.,
Plaintiff/Appellant

v.

FARMERS UNION MUTUAL INSURANCE COMPANY AND
WILLIAM F. WILHELM
Defendants/Appellees

FILED

AUG 13 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**APPELLANT'S OBJECTION TO WILLIAM F. WILHELM'S MOTION FOR
EXTENSION OF TIME TO FILE RESPONSE BRIEF**

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The Appellant, Park Place Apartments, L.L.C., objects to the motion filed by William F. Wilhelm for a 30-day extension of time in which to file a response brief.

Wilhelm's motion is made pursuant to Rule 26 M.R.App.P., which provides that motions for extension can be granted for "good cause". Wilhelm has shown no cause whatsoever reflecting the current practice on appeal to assume that the 30-day requirement means nothing. If that is the case, the time for filing an opening brief should simply be extended to 60 days. Otherwise, Wilhelm should be required to make some showing for why he couldn't have prepared a brief within 30 days following the submission of Park Place Apartments' brief.

Finally, an extension for either of the two defendants who have currently sought them creates uncertainty about when the Appellant's reply brief is due. Farmers Union Mutual Insurance Company has filed its brief when due on August 11, 2010. The Appellant assumes that only one reply brief is allowed. If all of the defendants are filing briefs on different dates, then the Appellant would appreciate some guidance about whether one reply brief is permitted or a reply brief to each defendant and if only one reply brief is permitted, then on what date it is due.

The rules do not address these issues.

DATED this 11 of August, 2010.

TRIEWEILER LAW FIRM


Terry N. Trieweiler

CERTIFICATE OF SERVICE


This is to certify that on the 11 day of August, 2010, a true and exact copy of the foregoing document was served on the Appellees by mailing a copy, postage pre-paid to:

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11 of the Montana Rules of Appellate Procedure, I certify that the Appellant's Motion is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double spaced; and the word count calculated by Microsoft Office Word 2003, is 219 words, including all text, excluding table of contents, table of citations, certificate of service and certificate of compliance.

Dated this 11 day of August, 2010.


Karen R. Weaver